

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LINDA HERRERA,

Plaintiff,

vs.

No. CIV-08-485 WDS/RLP

CITY OF ALBUQUERQUE,

Defendant.

**MEMORANDUM OPINION AND ORDER
GRANTING DEFENDANT'S MOTION TO TAKE DEPOSITION OF PLAINTIFF**

This matter comes before the Court on the Motion of Defendant, City of Albuquerque, to extend the discovery deadline to permit the taking of Plaintiff's deposition. (Docket No. 30). Plaintiff objects to the Motion unless Plaintiff's discovery is extended for her to notice and take depositions as well.

Pursuant to the Scheduling Order entered on September 11, 2008, the discovery deadline in the case expired on February 9, 2009. Prior to that time, Defendant had made diligent efforts to obtain written discovery and schedule Plaintiff's deposition. These efforts were hampered by Plaintiff's counsel's illness. Plaintiff made no effort to schedule any depositions prior to the close of discovery.


Pursuant to F.R.Civ.P. 16(b)(4), "(a) schedule may be modified only for good cause and with the judge's consent." The Federal Rules of Civil Procedure must be "construed and administered to secure the just, speedy, and inexpensive determination of every action." Fed.R.Civ.P. 1. "Federal district courts have broad discretion over discovery." *Morales v. E.D. Etnyre & Co.*, 229 F.R.D. 661, 662 (D.N.M.2005). This case is scheduled for jury trial the week of June 15-19, 2009.

I find that Defendant has established good cause for extending the discovery deadline for the limited purpose of taking Plaintiff's deposition. I find that Plaintiff has not established good cause for taking depositions which were not noticed prior to the scheduled end of discovery.

IT IS ORDERED that Defendant's Motion to Extend the Discovery Deadline to Take the Deposition of Plaintiff is Granted.

IT IS FURTHER ORDERED that Plaintiff and her attorney make themselves available for deposition on or before April 23, 2009.

IT IS SO ORDERED.



Hon. RICHARD L. PUGLISI